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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,501	06/30/2003	Michel Boucher	07124-001-US-01	9638

7590 09/08/2005

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CANADA

EXAMINER
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TRAN, KHOI H

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,501	<b>Applicant(s)</b> BOUCHER, MICHEL	
	<b>Examiner</b> Khoi H. Tran	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.  
     4a) Of the above claim(s) 1-20 and 23-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/04</u> . | 6) <input type="checkbox"/> Other: _____  |

  
**KHOI H. TRAN**  
**PRIMARY EXAMINER**

*[Handwritten mark]*

**DETAILED ACTION**

***Election/Restrictions***

1. Since claims 33-41 are the same as the previously withdrawn claims 25-27 and 29-32 in independent forms, these claims have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lion 6,438,451 in view of the incorporated by reference of Lion et al. 5,812,410.

Lion '451 discloses method of vending medical articles from a vending system per claimed invention. Lion '451 system comprises at least a vending machine offering the articles and a computer system. The computer obviously comprises a micro-controller and memory offering tables and a payment module for credit and debit cards (Figure 1). Lion '451 comprises a server 32 (Figure 3) with database for keeping track of vending procedures that includes user's authorization data. Lion '451 system comprises managing software and a computer terminal that links to the server. The system comprises communication means that links the vending machine to the server and to an obvious banking system (column 6, line 44). Wherein Lion '451 selection means and payment means comprise the steps: entering user's authorization code in

the form of patient ID (Ptid, Figure 4); validating said user's authorization code by the computer system; entering prescription request; verifying the availability of prescription within the vending machine before dispensing (Lion et al. '410); inviting user to select payment mode (I.e. credit card); acquiring payment data by payment module; transmitting the payment to the obvious banking system; obviously receiving and approving payment by the banking system; printing sale receipt destined to the user ; and initiating the ejection mechanism of the vending machine. However, Lion '451 is silent as to the explicit teaching of calculating and displaying the total cost of the request prescription(s) before inviting the user to initiate payment. Nevertheless, it would have been obvious to implement the steps of calculating and displaying the total final price for the desired medical articles at the vending machine so that a user would know in advance how much the actual sale will cost before authorizing the payment sequence. Calculating and displaying total vending price before consumer authorizes a payment is commonly well known in the vending art.

In regards to claim 22, Lion '451 vending system and method is capable of vending multiple prescriptions for one sale.

3. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenblum 6,529,801 in view of Lion et al. 5,812,410.

Rosenblum '801 discloses method of vending medical articles from a vending system per claimed invention. Rosenblum '801 system comprises at least a vending machine offering the articles and a computer system. The computer comprises a micro-controller and memory offering tables and a payment module for credit and debit cards

(Figures 1-3). Rosenblum '801 comprises a server 2000 (Figures 1-3) with database for keeping track of vending procedures that includes user's authorization data.

Rosenblum '801 system comprises managing software and a computer terminal that links to the server. The system comprises communication means that links the vending machine to the server and to a banking system 6000 (Figures 1-3). Wherein Rosenblum '801 selection means and payment means comprise the steps: entering user's authorization code (Figure 10); validating said user's authorization code by the computer system; entering prescription request; inviting user to select payment mode (i.e. credit card); acquiring payment data by payment module; transmitting the payment to the obvious banking system; receiving and approving payment by the banking system; printing sale receipt destined to the user; and initiating the ejection mechanism of the vending machine. However, Rosenblum '801 is silent as to the explicit teaching of verifying the availability of prescription within the vending machine before dispensing, calculating and displaying the total cost of the request prescription(s) before inviting the user to initiate payment. Nevertheless, it would have been obvious to implement the steps of calculating and displaying the total final price for the desired medical articles at the vending machine so that a user would know in advance how much the actual sale will cost before authorizing the payment sequence. Calculating and displaying total vending price before consumer authorizes a payment is commonly well known in the vending art.

Lion et al. '410 disclose a medical dispenser wherein the availability of a requested medical article is checked before the actual dispensing procedure could

begin. Lion et al. '410 show that the verification of requested article in a dispensing machine is commonly well known.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Rosenblum '801 with the well-known product availability verification step because it facilitates the confirmation that the requested article is in fact available for vending, as shown by Lion et al. '410.

In regards to claim 22, Rosenblum '801 vending system and method is capable of vending multiple prescriptions for one sale.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 21 and 22 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

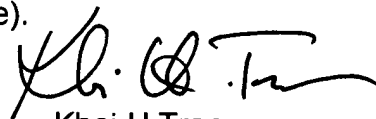
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H. Tran whose telephone number is (571) 272-6919. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoi H Tran  
Primary Examiner  
Art Unit 3651

KHT  
08/30/2005